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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,518	05/09/2005	Kenneth S. Watkins Jr	PAC-01	2715
7590 Kenneth S Watkins Jr 372 River Drive Dahlonega, GA 30533		08/22/2007	EXAMINER NOLAND, THOMAS	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,518	Applicant(s) WATKINS JR ET AL.	
	Examiner Thomas P. Noland	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-31 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 11-12 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070716</u> | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election without traverse of the invention of Group 1, claims 1-31 and 39-44 in the reply filed on May 17, 2007 is acknowledged.
2. The restriction requirement is made final.
3. Claims 32-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2007.
4. The abstract of the disclosure is objected to because terminology such as " means " as in lines 3 and 4 should not be used. Correction, on a sheet separate from other application material such as data from the cover page of the PCT publication, is required. See MPEP § 608.01(b).
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10, 13-31 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylak et al US 3,603,142, cited in an IDS in view of (Voelker et al US 5,789,665 or Kondo et al JKP 61-44339, cited in an IDS) and Ortiz et al US 4,988,875.

Saylak et al especially in its drawings, abstract, and col. 3, line 46 –col. 4, line 6 teaches the use of metal particles in a polymer composite to monitor a deterioration condition. It differs in that the particles are not added to the composite per se but that

would have been obvious from the teachings of either Voelker et al especially in its abstract and Figs. 1-2 and 4 of the adding of electrically charged beads to a polymer composite to monitor deterioration or Kondo et al especially in its abstract and Fig. 1 of adding conductive particles to monitor deterioration since incorporation of such into the composite would allow for a better mixture of the particles being monitored. The exact property monitored, the type of electrical monitoring, the form of the addition of the particles, or the particular polymer object monitored would have been obvious expedients to one of ordinary skill in the art since known similar mechanical forms of deterioration readily predictable to affect electrical properties in a monitorable manner and clearly any particular polymer object could be monitored as desired. Use of a reference standard to compare the degree of degradation or use of only a portion of the object being monitored with the incorporated particles is not expressly taught by Saylak et al but such would have been obvious by the teaching of similar such comparison means in Ortiz et al especially in the abstract and Fig. 1 which teaches the general principal of the known similar use of standards or reference portions in monitoring an article. Use of well known means such as RF id tags as claimed would have been obvious in view of their known utility.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show deterioration monitors and/or the use of added material to aid monitoring. The non prior art US references provide similar teachings but do not claim an invention as claimed herein.

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8. Claims 11-12 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

Thomas P. Noland
Primary Examiner
Art Unit 2856

Aug. 17, 2007

